

AMENDED IN SENATE JUNE 11, 2008

AMENDED IN ASSEMBLY MAY 5, 2008

AMENDED IN ASSEMBLY MARCH 24, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2400

Introduced by Assembly Member Price

February 21, 2008

An act to add Section 1255.25 to the Health and Safety Code, relating to health care.

LEGISLATIVE COUNSEL'S DIGEST

AB 2400, as amended, Price. Hospitals: closure.

Under existing law, the State Department of Public Health is responsible for licensing and regulating health facilities, including hospitals. Existing law, with certain exceptions, requires a hospital that plans to reduce or eliminate emergency medical services to notify various entities at least 90 days before it takes that action.

This bill would, *with a certain exception*, require ~~that~~, not less than 30 days prior to closing a general acute care or psychiatric hospital, eliminating a supplemental service, as defined, or relocating the provision of a supplemental service to a different campus, the hospital to provide certain notice regarding those proposed ~~changes~~ *closure, elimination, or relocation* to the public and the applicable administering department, in accordance with certain procedures. This bill would further require ~~that 18 months after implementation of any of those changes the hospital~~ *the hospital, to report to the public and the department on the impacts of the changes elimination or relocation of supplemental services, 18 months after its implementation.*

Under existing law, violation of the provisions relating to health facility licensure is a misdemeanor.

By changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) A hospital is one means for ensuring quality and access to
4 health care for all Californians.

5 (b) While there are other means for health care access, a hospital
6 remains an essential institution for the entire health care system
7 in California and for providing quality and affordable care.

8 (c) The closure of a hospital presents a severe burden for the
9 residents of the community served by that hospital.

10 (d) The residents should not be deprived of medical attention
11 or access to affordable health care due to the closure of a hospital.

12 (e) The closure of a hospital presents the state with a financial
13 and health emergency that require extraordinary measures as a
14 response.

15 (f) Dramatic changes are underway in the delivery of health
16 care, including numerous proposals to restructure the number and
17 proportion of health care professionals and workers performing
18 direct patient care, as well as changes in the level and type of
19 services provided.

20 (g) Changes in delivery of care affect the health of the
21 community and may have profound social consequences. For
22 example, discharge from a health facility of new mothers within
23 hours of giving birth, or of surgical patients in a few days or even
24 hours, and treatment of cardiac, diabetic, and asthmatic patients
25 in the outpatient setting, all shift the burden of care from the health

1 provider to family and friends, or to unpaid caregivers who often
2 lack the expertise to care for patients with complex needs.

3 (h) Many of these changes in the delivery of health care are
4 occurring without public disclosure or discussion. If these changes
5 were publicly disclosed, affected communities and groups,
6 physicians, other interested health professionals, and public bodies
7 could provide input about how best to maintain the safety of patient
8 care and access to needed care while maximizing
9 cost-effectiveness.

10 (i) It is the intent of the Legislature in enacting this act that those
11 health providers proposing to restructure the delivery of health
12 care shall disclose to the public the expected impact of the changes.

13 SEC. 2. Section 1255.25 is added to the Health and Safety
14 Code, to read:

15 1255.25. (a) (1) Not less than 30 days prior to closing a health
16 facility licensed under subdivision (a) or (b) of Section 1250 or
17 eliminating a supplemental service, as defined in Section 70301
18 of Chapter 1 of Division 5 of Title 22 of the California Code of
19 Regulations, the facility shall provide public notice of the proposed
20 ~~changes~~ *closure or elimination of supplemental service*, including
21 a notice posted at the entrance to all affected facilities and a notice
22 to the department and the board of supervisors of the county in
23 which the health facility is located.

24 (2) Not less than 30 days prior to relocating the provision of
25 supplemental services to a different campus, a health facility
26 licensed under subdivision (a) or (b) of Section 1250 shall provide
27 public notice of the proposed ~~changes~~ *relocation of supplemental*
28 *services*, including a notice posted at the entrance to all affected
29 facilities and notice to the department and the board of supervisors
30 of the county in which the health facility is located.

31 (b) The notice required by paragraph (1) or (2) of subdivision
32 (a) shall include all of the following:

33 (1) A description of the proposed ~~changes~~ *closure, elimination,*
34 *or relocation.*

35 (2) An evaluation of the probable impact on quality and
36 availability of care for individual patients and for the community
37 as a whole.

38 (3) A description of the savings expected by the health facility,
39 and the possible impact on other health providers.

1 (4) Information regarding whether the proposed ~~changes~~ *closure*,
2 *elimination, or relocation* are consistent with existing state and
3 federal law and regulations governing licensure of health facilities,
4 regulation of managed care plans, and licensure of health
5 professionals.

6 (5) A telephone number and address for each of the following,
7 where interested parties may offer comments:

8 (A) The health facility.

9 (B) Any corporate entity with which the health facility is
10 affiliated.

11 (C) The department.

12 (6) The names of the chief executive officer and members of
13 the board of directors of the health facility or affiliated corporate
14 entity, or both, and any other health care delivery organizations in
15 which the hospital has financial or controlling interest.

16 (c) Eighteen months after implementation of the proposed
17 ~~changes~~ *elimination or relocation of supplemental services*, the
18 health facility shall report to the public and the department on the
19 impact of the ~~changes~~ *elimination or relocation of supplemental*
20 *services* on mortality, morbidity, readmissions, patient injuries,
21 and infection rates by comparing data prior to the changes with
22 the data for the year after implementation.

23 (d) *Notwithstanding subdivisions (a) and (b), this section shall*
24 *not apply to county facilities subject to Section 1442.5.*

25 SEC. 3. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within
32 the meaning of Section 6 of Article XIII B of the California
33 Constitution.